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7 *Attorney(s) for Plaintiff Digital Verification Systems, LLC*
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9

10 **IN THE UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA**

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13 DIGITAL VERIFICATION SYSTEMS,
14 LLC,
15

16 *Plaintiff,*
17

18 v.
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20 KING STREET LABS, LLC d/b/a
21 FORMSWIFT,
22

23 *Defendant.*
24

25 CASE NO.: 3:21-cv-03211
26

27 PATENT CASE
28

18 **COMPLAINT**
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20 Plaintiff Digital Verification Systems, LLC (“Plaintiff” or “DVS”) files this
21 Complaint against King Street Labs, LLC d/b/a FormSwift. (“Defendant” or
22 “FormSwift”) for infringement of United States Patent No. 9,054,860 (hereinafter
23 “the ‘860 Patent”).
24

25 **PARTIES AND JURISDICTION**
26

27 1. This is an action for patent infringement under Title 35 of the United
28 States Code. Plaintiff is seeking injunctive relief as well as damages.

26 2. Jurisdiction is proper in this Court pursuant to 28 U.S.C. §§ 1331
27 (Federal Question) and 1338(a) (Patents) because this is a civil action for patent
28

infringement arising under the United States patent statutes.

3. Plaintiff is a Texas limited liability company located at 1 East Broward Boulevard, Suite 700, Fort Lauderdale, FL 33301.

4. On information and belief, Defendant is an Oregon limited liability company with its principal office located at 2370 Market Street, Suite 103 #443, San Francisco, CA 94114. On information and belief, Defendant may be served through its registered agent, David Becker, 22 Margrave Pl, 8 San Francisco CA 94133.

5. On information and belief, this Court has personal jurisdiction over Defendant because Defendant has committed, and continues to commit, acts of infringement in this District, has conducted business in this District, and/or has engaged in continuous and systematic activities in this District.

6. On information and belief, Defendant's instrumentalities that are alleged herein to infringe were and continue to be used, imported, offered for sale, and/or sold in this District.

VENUE

7. On information and belief, venue is proper in this District under 28 U.S.C. § 1400(b) because Defendant is deemed to reside in this District. Alternatively, acts of infringement are occurring in this District and Defendant has a regular and established place of business in this District.

COUNT I

(INFRINGEMENT OF UNITED STATES PATENT NO. 9,054,860)

8. Plaintiff incorporates paragraphs 1 through 7 herein by reference.

9. This cause of action arises under the patent laws of the United States and, in particular, under 35 U.S.C. §§ 271, *et seq.*

10. Plaintiff is the owner by assignment of the '860 Patent with sole rights to enforce the '860 Patent and sue infringers.

11. A copy of the '860 Patent, titled "Digital Verified Identification System and Method," is attached hereto as Exhibit A.

12. The '860 Patent is valid, enforceable, and was duly issued in full
 13. compliance with Title 35 of the United States Code.

14. Upon information and belief, Defendant has infringed and continues to
 15. infringe one or more claims, including at least Claim 1, of the '860 Patent by making,
 16. using (at least by having its employees, or someone under Defendant's control, test
 17. the accused Product), importing, selling, and/or offering for sale associated hardware
 18. and/or software for digital signature services (e.g., FormSwift), and any similar
 19. products and/or services ("Product") covered by at least Claim 1 of the '860 Patent.
 20. Defendant has infringed and continues to infringe the '860 patent either directly or
 21. through acts of contributory infringement or inducement in violation of 35 U.S.C. §
 22. 271.

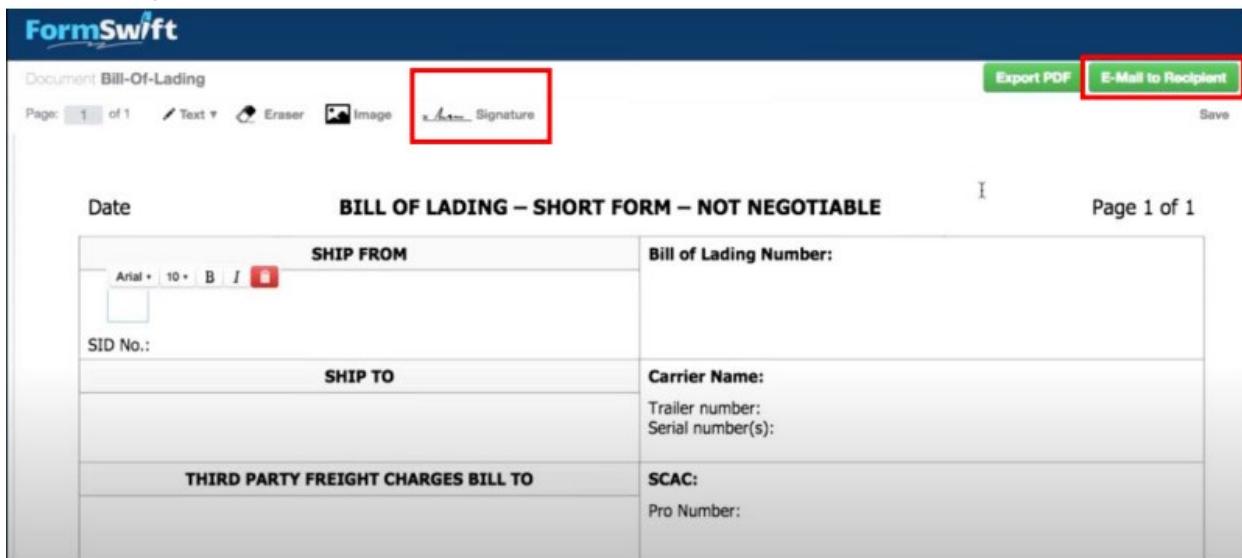
12. The Product provides a system for e-signing digital documents. The
 13. Product provides for digitally verifying the identification of a signer. Certain aspects
 14. of this element are illustrated in the screenshot(s) below and/or in those provided in
 15. connection with other allegations herein.



25. Source: <https://youtu.be/kr7-cpbmMKE>

26.
 27. 15. The Product includes at least one digital identification module structured
 28. to be associated with at least one entity. For example, the Product provides a module

1 (e.g., creation of an e-signature module for a user) to be associated with at least one
 2 entity (i.e., a user who needs to create an e-signature). Certain aspects of this element
 3 are illustrated in the screenshot(s) below and/or in those provided in connection with
 4 other allegations herein.

5 

6

7 Date **BILL OF LADING – SHORT FORM – NOT NEGOTIABLE** Page 1 of 1

8

9 SHIP FROM	10 Bill of Lading Number:
11 SID No.:	12 Carrier Name: Trailer number: Serial number(s):
13 SHIP TO	14 SCAC: Pro Number:
15 THIRD PARTY FREIGHT CHARGES BILL TO	16

17 **Sign in to FormSwift**

18 **Email** 19

20 **Password** 21

22 [Forgot your password?](#) 23

23 We have updated our [Terms of Use](#). By clicking the green button below and
logging in you are agreeing to the updated terms.

24 25 **Sign-in** 26

27 28 New to FormSwift? [Create an account.](#)

22 Source: <https://formswift.com/signIn.php>

23 Source: <https://youtu.be/nz85BE9nmKk>

24 16. The Product includes a module generating assembly structured to receive
 25 at least one verification data element corresponding to the at least one entity and create
 26 said at least one digital identification module. For example, the Product includes a
 27 module generating assembly structured to receive at least one verification data
 28

1 element corresponding to at least one entity (e.g., a user has a unique login ID and
2 password for accessing and verifying the Product account for e-signing the
3 documents). The module generating assembly is also structured to create the at least
4 one digital identification module (e.g., creating an e-signature of a user). Certain
5 aspects of this element are illustrated in the screenshot(s) below and/or in those
6 provided in connection with other allegations herein.

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8 **Sign in to FormSwift**

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10 **Email**

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12 **Password**

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14 [Forgot your password?](#)

15 We have updated our [Terms of Use](#). By clicking the green button below and
16 logging in you are agreeing to the updated terms.

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19 New to FormSwift? [Create an account.](#)

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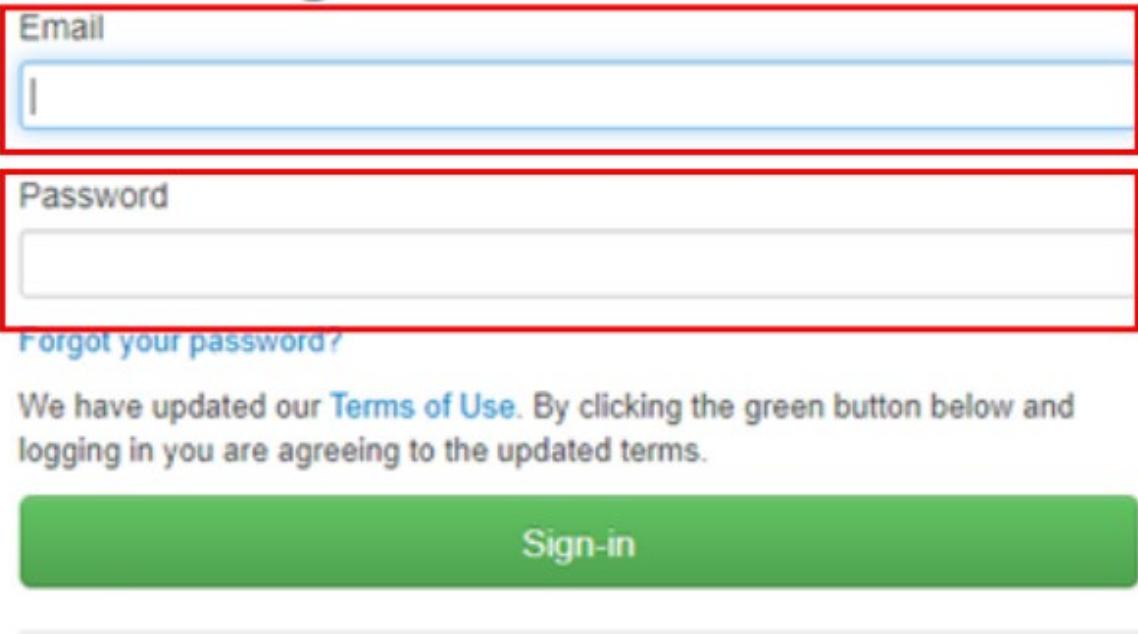
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FormSwift

Document: Bill-Of-Lading

Page: 1 of 1 Text Eraser Image Signature

Export PDF E-Mail to Recipient Save

Date BILL OF LADING – SHORT FORM – NOT NEGOTIABLE Page 1 of 1

SHIP FROM	Bill of Lading Number:
SID No.:	Carrier Name: Trailer number: Serial number(s):
SHIP TO	SCAC: Pro Number:
THIRD PARTY FREIGHT CHARGES BILL TO	

Source: <https://formswift.com/signIn.php>

Source: <https://youtu.be/nz85BE9nmKk>

17. The at least one digital identification module is disposable within at least one electronic file. (e.g., a user can store the e-signature within a document such as a “Bill of Landing” or in a PDF, Word doc, image file, etc.). Certain aspects of this element are illustrated in the screenshot(s) below and/or in those provided in connection with other allegations herein.

1 

2 Home > Edit PDF

3 **Free PDF Editor**

4 The simple PDF editor from FormSwift

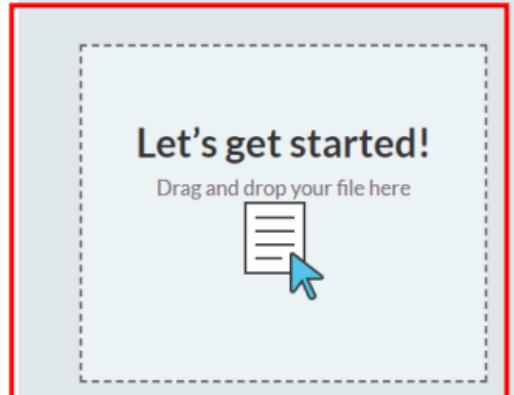
5  Edit any PDF, Word Doc or Image.

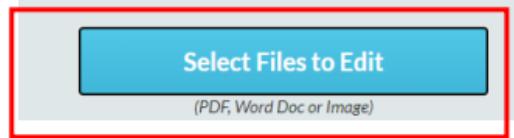
6  E-sign with ease.

7  Download and print.

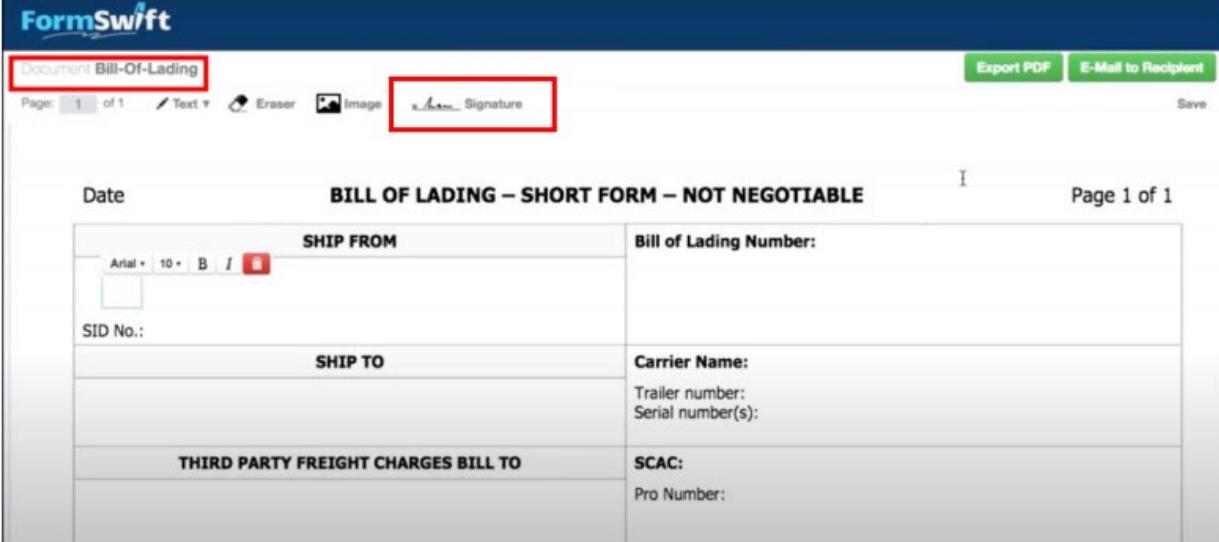
8  Share in seconds.

9 No software required. Simply upload and go!

10  Let's get started!
Drag and drop your file here


11  or
Select Files to Edit
(PDF, Word Doc or Image)

12

13 

14 Document Bill-Of-Lading

15 Page: 1 of 1 Text Eraser Image Signature

16 Date BILL OF LADING – SHORT FORM – NOT NEGOTIABLE Page 1 of 1

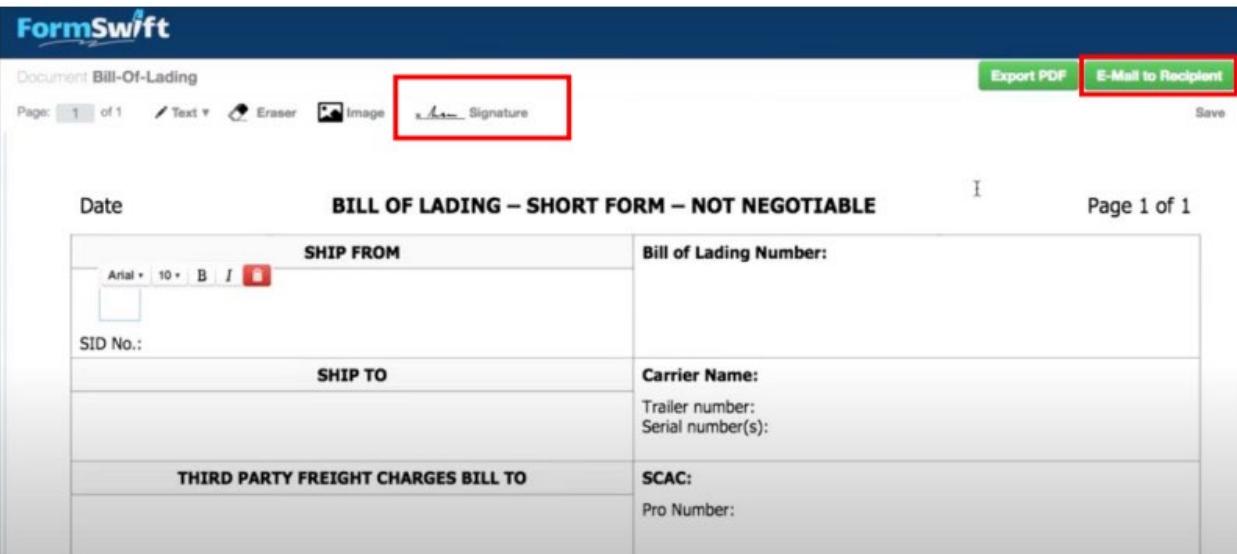
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SID No.:	Carrier Name: Trailer number: Serial number(s):
SHIP TO	SCAC: Pro Number:
THIRD PARTY FREIGHT CHARGES BILL TO	

22 Source: <https://formswift.com/edit-pdf>
 23 Source: <https://youtu.be/nz85BE9nmKk>

24

25 18. The at least one digital identification module includes at least one
 26 primary component structured to at least partially associate the digital identification
 27 module with the at least one entity. For example, an e-signature of a user is associated
 28 with user information including user name, date, etc. to at least partially associate the

1 digital identification module with the at least one entity (e.g., an e-signature is
 2 associated with a user). Certain aspects of this element are illustrated in the
 3 screenshot(s) below and/or in those provided in connection with other allegations
 4 herein.

5 

6 Document: Bill-Of-Lading

7 Page: 1 of 1 Text Eraser Image 

8 Date BILL OF LADING – SHORT FORM – NOT NEGOTIABLE Page 1 of 1

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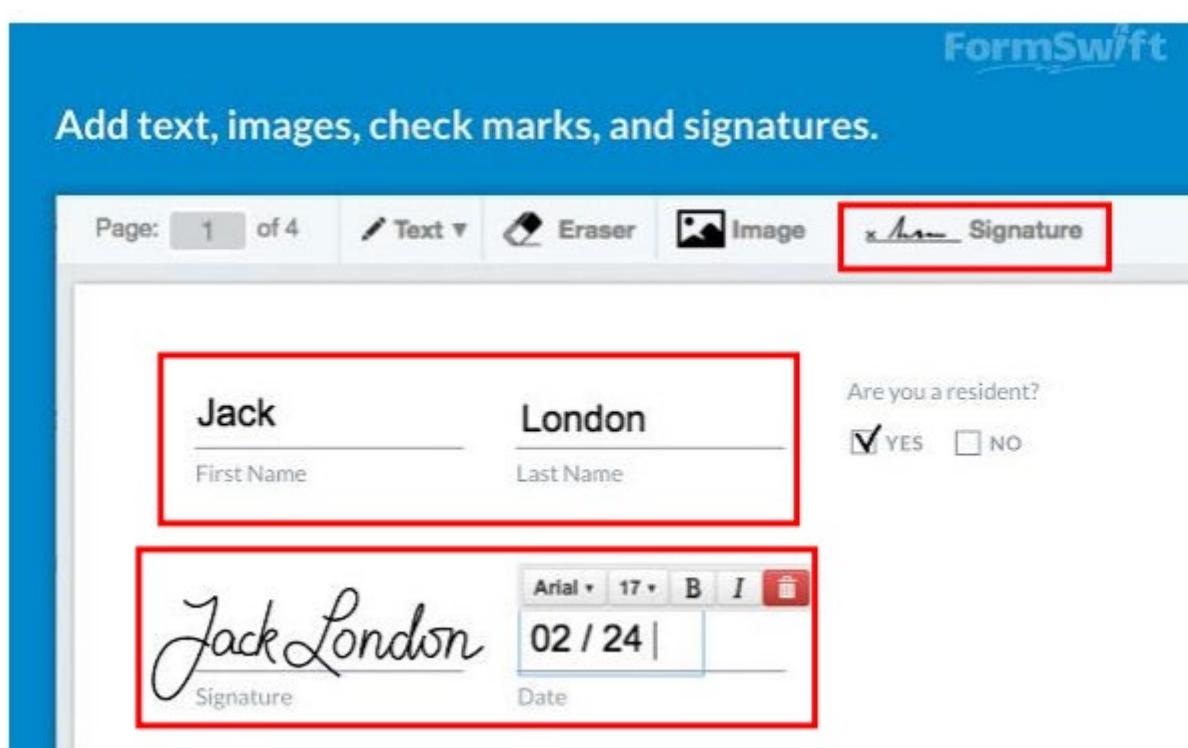
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SID No.:	Carrier Name:
SHIP TO	Trailer number: Serial number(s):
THIRD PARTY FREIGHT CHARGES BILL TO	SCAC: Pro Number:

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15 Add text, images, check marks, and signatures.

16 Page: 1 of 4 Text Eraser Image 

17

18

19

Jack	London
First Name	Last Name

 Are you a resident?

20

21 YES NO

22

23 

24

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26

27 Source: <https://youtu.be/nz85BE9nmKk>
 Source: <https://chrome.google.com/webstore/detail/formswift-pdf-editorconve/bdfcnmeidppjeaggnmidamkiddifkdb>

28

1 19. The at least one digital identification module is cooperatively structured
 2 to be embedded within only a single electronic file. For example, the module (e-
 3 signature) is stored within a single file (such as a PDF, Word doc, or image file, etc.).
 4 Certain aspects of this element are illustrated in the screenshot(s) below and/or in
 5 those provided in connection with other allegations herein.

FormSwift

Sign-In

Home > Edit PDF

Free PDF Editor

The simple PDF editor from FormSwift

- Edit any PDF, Word Doc or Image.
- E-sign with ease.
- Download and print.
- Share in seconds.

No software required. Simply upload and go!

Let's get started!

Drag and drop your file here

or

Select Files to Edit

(PDF, Word Doc or Image)

Document Bill-Of-Lading

Page: 1 of 1 Text Eraser Image

Export PDF E-Mail to Recipient Save

Date BILL OF LADING - SHORT FORM - NOT NEGOTIABLE Page 1 of 1

SHIP FROM	Bill of Lading Number:
SID No.:	Carrier Name: Trailer number: Serial number(s):
SHIP TO	
THIRD PARTY FREIGHT CHARGES BILL TO	SCAC: Pro Number:

Source: <https://formswift.com/edit-pdf>

Source: <https://youtu.be/nz85BE9nmKk>

20. Defendant's actions complained of herein will continue unless Defendant is enjoined by this court.

21. Defendant's actions complained of herein are causing irreparable harm and monetary damage to Plaintiff and will continue to do so unless and until Defendant is enjoined and restrained by this Court.

8 || 22. Plaintiff is in compliance with 35 U.S.C. § 287.

PRAYER FOR RELIEF

10 WHEREFORE, Plaintiff asks the Court to:

11 (a) Enter judgment for Plaintiff on this Complaint on all causes of action
12 asserted herein;

13 (b) Enter an Order enjoining Defendant, its agents, officers, servants,
14 employees, attorneys, and all persons in active concert or participation with Defendant
15 who receive notice of the order from further infringement of United States Patent No.
16 9,054,860 (or, in the alternative, awarding Plaintiff a running royalty from the time of
17 judgment going forward);

18 (c) Award Plaintiff damages resulting from Defendant's infringement in
19 accordance with 35 U.S.C. § 284;

20 (d) Award Plaintiff pre-judgment and post-judgment interest and costs; and

21 (e) Award Plaintiff such further relief to which the Court finds Plaintiff
22 entitled under law or equity.

24 || Dated: April 30, 2021

Respectfully submitted,

/s/ Stephen M. Lobbin

Attorney(s) for Plaintiff Digital Verification Systems, LLC